Lexington, Kentucky June 23, 2005

The Council of the Lexington-Fayette Urban County Government convened in regular session on June 23, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer and Gorton. Absent were Council Members Wigginton and Brown.

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The reading of the Minutes of the previous meetings was waived.

Ordinances No. 127-2005 thru 139-2005 inclusive and Resolutions No. 271-2005 thru 295-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky June 23, 2005

The Invocation was given by Reverend Marcia Hunter, Christ Church Cathedral.

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Mr. McChord presented a Proclamation that proclaimed June 24 through August 28, 2005 as Ink and Blood Exhibition Days to Dr. Louis Noah, the founder and chief director of the exhibit that was being held at Heritage Hall.

Dr. Noah spoke about the exhibit and invited the Council Members to a viewing of it that would be held after the Council Meeting.

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Ms. Gorton presented a Proclamation that proclaimed June 25, 2005 as Amateur Radio Day to Mr. Fernie Williams, President of the Bluegrass Amateur Radio Operators Society, and Mr. Patrick Spencer, Coordinator of the Amateur Radio Emergency Services.

Mr. Williams asked the amateur radio operators present to stand.

Mr. Williams and Mr. Spencer spoke about the volunteer public services provided by amateur radio operators, and thanked the Mayor and Council for the recognition.

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Upon motion of Mr. Farmer and seconded by Ms. Shafer, the Minutes of the April 12, 21 and 26 (1:00 p.m. and 1:30 p.m.), 2005 Council Meetings were approved by unanimous vote.

The following ordinances were given second reading and passed by the following

Aye:	Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton	13
Nay:		0

vote:

An Ordinance changing the zone from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for 22.05 net (24.04 gross) acres of property and to a Planned Neighborhood Residential (R-3) zone for 13.89 net (15.98 gross) acres of property located at a portion of 3000 Beaumont Centre Circle, subject to certain use and density restrictions imposed as a condition of granting the zone change. (Haymaker Development, LLC)

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 3.46 net (3.57 gross) acres of property located at 3021 and 3051 Todds Road, subject to certain use and buffering

restrictions imposed as a condition of granting the zone change. (Treasa Francis – Our House Childcare)

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,000.00 for the Div. of Parks and Recreation from Neighborhood Development Funds for handicap accessible sidewalk at Ecton Park T-ball fields, and appropriating and reappropriating funds, Schedule No. 199.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$500.00 for the Div. of Parks and Recreation from Neighborhood Development Funds for the S. T. Roach Basketball Program, and appropriating and reappropriating funds, Schedule No. 200.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,000.00 for the Commonwealth Attorney's Office from Neighborhood Development Funds for the Graffiti Cleaning Program, and appropriating and reappropriating funds, Schedule No. 201.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$780.00 for the Div. of Parks and Recreation from Neighborhood Development Funds to replace fencing at Addison Park, and appropriating and reappropriating funds, Schedule No. 202.

An Ordinance authorizing and ratifying actions in the structuring, staffing, planning and preparation of all documentation for the issuance of certain General Obligation Bonds of the Urban County Government; authorizing the issuance of such bonds to finance costs of funding a program to preserve and manage agricultural, rural and natural lands, including the purchase of conservation easements or development rights and renovating and upgrading space in two government office buildings and making structural repairs to two parking garages owned and operated by the Government; setting forth the terms and conditions on which the bonds are to be issued and providing for a competitive, advertised sale thereof; authorizing and ratifying the preparation and distribution of a Notice of Bond Sale and a Preliminary Official Statement for the bonds; providing for the acceptance by the Mayor of the best bid for

the bonds in accordance with the official terms and conditions of bond sale; defining and providing for the rights of the holders of the bonds and providing for the application of the proceeds thereof; and taking other related action.

An Ordinance declaring the property located at 701 West Main Street and 109 Old Georgetown Street surplus property and authorizing the Mayor to execute a General Warranty Deed and Certificate of Consideration transferring this surplus property to Daniel E. and Charlene Moriarty, for the sum of \$25,000.00, and appropriating funds pursuant to Schedule No. 159.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for the Health Insurance subsidy, and appropriating and reappropriating funds, Schedule No. 193.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 198.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to adjust General Fund revenues and expenditures for FY 2005, and appropriating and reappropriating funds, Schedule No. 204.

An Ordinance creating Section 5-29.2 of the Code of Ordinances to establish a commercial construction plan review fee of six cents (.06) per square foot, with a minimum fee of fifty dollars (\$50.00), for all commercial construction projects, including both new construction and remodeling, and excluding fences, paving, curb cuts, grading, signs, swimming pools, and sidewalk cafes; effective July 1, 2005.

An Ordinance amending Section 13-52 of the Code of Ordinances to require pawnbrokers to maintain records on a computerized disk if records are maintained on a computer system, changing Police Department to Div. of Police and clarifying that forms are provided rather than furnished; amending subsections (a)(b) and (c) of Section 13-54 of the Code of Ordinances to include pawnbrokers as a covered business, to include purchases for money or store credit and purchases of electronic devices including video games, cd's or dvd's as covered transactions; to require descriptions of articles to be maintained on a computer disk if records are maintained on a computer system and to tag articles as to page and line listing corresponding to page and line listing on the computer system; to require a seller of covered items to provide identification; to provide that no purchases or trades shall be made from persons under eighteen (18), to require buyers to

obtain thumbprints, maintain them with records of the transaction and make them available to Div. of Police; to require register or computer disk to be provided to the Div. of Police on a daily basis and to retain articles for a period of ten (10) days prior to sale; and repealing Section 13-55 of the Code of Ordinances.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one
(1) position of Police Major, Grade 319E, and creating one (1) position of Police
Captain, Grade 318E, all in the Div. of Police, to be effective upon passage by Council.

An Ordinance authorizing the Mayor to accept a donation of twenty-five thousand (\$25,000.00) dollars, from Ky. American Water Co., for filling of swimming pools for summer of 2005 and appropriating funds pursuant to Schedule No. 208.

An Ordinance authorizing the Mayor to accept the donation for the Div. of Police in the amount of \$5,000.00 from Kroger and Milk-Bone to purchase a Police canine and appropriating funds pursuant to Schedule No. 206.

An Ordinance authorizing the Mayor to execute and submit a Supplemental Extension Form to the U. S. Dept. of Justice requesting additional time to complete spending of the 2001 Cops Technology Grant funds and to provide any additional information requested in connection with this Supplemental Extension Form, and to accept this grant if the Supplemental Extension Form is approved, which grant funds are in the amount of \$8,998.40 Federal funds, are for mobile computer equipment for the Div. of Police, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 205, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Bluegrass Area Development District, which grant funds are in the amount of \$241,860.21 Federal funds, are for the Workforce Investment Act (WIA) Program for FY 2006, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 7, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$275,669.00 (FHWA Planning), \$33,040.00 (Federal Transit Administration Section 5303), \$96,000.00 (Mobility Office (SLX)), and \$48,000.00 (Air Quality Planning (SLX) Federal funds, are

for the Div. of Planning Unified Work Program – FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of \$51,690.00 (FHWA Planning), \$8,260.00 (Federal Transit Administration), \$24,000.00 (Mobility Office (SLX)), and \$12,000.00 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$250,000.00 additional federal funds, are for restoration of Latrobe's Pope Villa, the acceptance of which obligates the Urban County Government for the expenditure of \$62,500.00 to be provided by the Blue Grass Trust for Historic Preservation, appropriating funds pursuant to FY 2006 Schedule No. 9, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Lexington-Fayette County Health Dept., which grant funds are in the amount of \$284,360.00 Federal funds, are for continuation of the Home Visitation Project at the Family Care Center in FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of matching funds of \$44,500.00, subject to sufficient funds being appropriated in FY06, appropriating funds pursuant to FY 2006 Schedule No. 10, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute a Lease Agreement with William L. Hassett, Jr. as Trustee Under the Restated Revocable Living Trust for the benefit of William L. Hassett, Jr., Charles D. Mitchell, James C. Mitchell and Anne Hassett Zelle, in care of James C. Mitchell, for the lease of property located at 166 North Martin Luther King, Jr., Blvd., for the provision of space necessary to the PVA, Div. of Environmental and Emergency Management (DEEM), and Partners for Youth, at a cost not to exceed \$174,548.00, subject to sufficient funds being appropriated in the FY06 Budget, and appropriating funds pursuant to Schedule No. 207.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$19,900.00 from General Fund Fund Balance for Parks and Recreation for ballfield lighting at Kenawood Park, and appropriating and re-appropriating funds, Schedule No.

0210.

An Ordinance amending certain of the budgets of the Lexington Fayette-Urban County Government to reflect current requirements for funds in the amount of \$2,500.00 from General Fund Fund Balance for Parks and Recreation for Gainesway Park Master Plan consultant and appropriating and re-appropriating funds, Schedule No. 0209.

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An Ordinance authorizing the Mayor to execute a Second Amended Agreement for professional services with Hilary Bohannon, for professional services related to collective bargaining with the Public Safety employees, at an additional cost not to exceed \$15,400.00, and appropriating funds pursuant to Schedule No. 191 was given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, DeCamp, Ellinger, Farmer, Gorton ------ 12

Nay: Cegelka ------ 1

An Ordinance appropriating the Revenues, Expenditures/Expenses and Interfund Transfers for the General Services District Fund, the Family Care Center Health Services Fund, the Urban Services Districts Fund, the Municipal Aid Program Fund, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Landfill Fund, the Right-of-Way Program Fund, the City Employees' Pension Fund, the Policemen's and Firefighters' Retirement Fund of the Lexington-Fayette Urban County Government, the Extended School Program Fund, the Enhanced 911 Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation General Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation Parks Projects Fund, the Fayette County Detention Center Corporation Refunding Fund, the Lexington-Fayette Urban County Government Public Parking Corporation Fund, the Lexington-Fayette Urban County Government Public Library Corporation Fund, the Health and Dental Insurance Fund, the Workers' Compensation and General Insurance Fund, Parks and Recreation FY 2006 Bond Fund, Equipment Lease Notes and Purchase of Development Rights Bond Fund on a divisional level by four (4) control levels, for the Fiscal Year ending June 30, 2006, for the Lexington-Fayette Urban County Government and its agencies and instrumentalities; approving and adopting the Capital Improvement Program for Fiscal Years FY 2006 through FY 2011, as a portion of the Fiscal Year (FY) 2006 Annual Capital Improvements Budget; and approving funding for the LexingtonFayette Urban County Tourist and Convention Commission from the Transient Room Tax, said funding to equal 99 1/2% of the revenue from the tax was given second reading and passed by the following vote:

An Ordinance amending Section 22-5 of the Code of Ordinances creating two (2) positions of Eligibility Counselor, Grade 110E, and creating one (1) position of Social Services Coordinator, Grade 114E, in the Div. of Adult Services was given first reading.

Upon motion of Mr. DeCamp and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton ------ 13

Nay: ------ 0

An Ordinance reducing the speed limit on Firebrook Boulevard and Overlake Boulevard from 35 miles per hour to 25 miles per hour effective upon installation of appropriate signage giving notice of the reduction; and directing the Div. of Traffic Engineering to install proper and appropriate signs was given first reading.

Upon motion of Ms. Shafer and seconded by Mr. Lane, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton ------ 13

Nay: ------ 0

The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Planned Shopping Center (B-6P) zone for 1.33 net (1.53 gross) acres of property and from an Agricultural Rural (A-R) zone to a Planned Shopping Center (B-6P) zone for 2.04 net (2.13 gross) acres of property located at 1908, 1916, 1936 and 1990 Bryant Road. (Pleasant Ridge, LLC)

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a

Planned Neighborhood Residential (R-3) zone for 1.82 net (1.93 gross) acres of property located at 1171 Appian Crossing Way and 1173 Jones Trail, subject to certain use, density and buffering restrictions imposed as a condition of granting the zone change. (Arnold Real Estate & Construction)

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for 0.15 net (0.26 gross) acre of property located at 400-402 North Limestone Street, subject to certain use restrictions imposed as conditions of granting the zone change. (Green Lantern Properties, LLC)

An Ordinance amending Section 23A-6(d) of the Zoning Ordinance to allow an existing facility with a valid conditional use permit to not become a non-conforming use if rezoned to an expansion area category.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$112,500.00 Federal funds, are for creation of a cold case homicide squad, the acceptance of which obligates the Urban County Government for the expenditure of \$37,500.00, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY2006 Schedule No. 11, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirement for funds for capital, and appropriating and re-appropriating funds, Schedule No. 17.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for debt service for street resurfacing, and appropriating and re-appropriating funds, Schedule No. 18.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Heavy Equipment Mechanic, grade 111N, and creating one (1) position of Heavy Equipment Technician, Grade 113N, in the Div. of Fleet Services, and appropriating funds pursuant to FY 2006 Schedule No. 16.

An Ordinance amending Section 21-5 of the Code of Ordinances reallocating one (1) position of Signs & Markings Supervisor, Grade 113N, to Grade 115E, in the Div. of Traffic Engineering, and appropriating funds pursuant to FY 2006 Schedule No. 15.

An Ordinance authorizing the Mayor to accept a Grant from the Ky Cabinet for Health and Family Services, which grant funds are in the amount of \$435,945.00

Federal funds, are for continuation of the New Chance Program at the Family Care Center (\$328,045.00), the Local Governance Council Project (\$57,900.00), and the Peers Educating Peers/Mentoring Project (\$50,000), in FY 2006, the acceptance of which obligates the Urban County Government for the local match expenditure of \$97,590.00 for the New Chance Program, \$13,810.00 for the Local Governance Council Project, and \$37,890.00 for the Peers Educating Peers/Mentoring Project, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 13, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute an Agreement with the Fayette Fiscal Court and Sandra Varellas, Fayette County Judge/Executive, for the FY 2006 County Road Aid Fund Program for Fayette County, establishing a budget of \$1,403,669.91, and appropriating funds pursuant to Schedule No. 14.

The following resolutions were given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton ------ 13

Nay: ------ 0

A Resolution accepting the bid of J. Edinger & Son, Inc. establishing a price contract for dump bodies, for the Div. of Fleet Services.

A Resolution accepting the bids of Bank's Floor Covering, Merit Furniture, Inc., and Plaza Carpets establishing a price contract for carpet, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bid of GKT Enterprises LLC establishing a price contract for bulb out installation.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a temporary construction easement from Virginia S. Mason, for property located at 706 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$75.00, plus usual and appropriate closing costs and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Dept. of Law to accept a Deed conveying a temporary construction easement from Clinton and Grace Tucker, for property located at 710 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment

in the amount of \$450.00, plus usual and appropriate closing costs and authorizing the Mayor to execute a Consideration Certificate.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Miami Valley Fire/EMS Alliance, allowing fire personnel participation in the Urban Search and Rescue Program of Ohio Task Force One, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Agreements with Lexington Humane Society (\$2,250.00), Golfview Estates Neighborhood Association, Inc. (\$152.00), Pine Meadows-Cardinal Hill-Mason Headley Neighborhood Association, Inc. (\$1,200.00), Georgetown Street Neighborhood Association, Inc. (\$375.00), Winburn Neighborhood Association, Inc. (\$375.00), Step By Step, Inc. (\$275.00), Copperfield Neighborhood Association, Inc. (\$275.00), Bluegrass Tomorrow, Inc. (\$1,000.00), Blue Grass Community Foundation, Inc. (\$2,000.00), Fayette County Neighborhood Council, Inc. (\$1,000.00), Young Marines Captain Reginald Underwood Unit, Inc. (\$500.00), YMCA of Central Ky., Inc. (\$640.00), and Young Marines Captain Reginald Underwood Unit, Inc. (\$500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving the probationary civil service appointments of: Linwood Johnson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Ashley Sells, Associate Traffic Engineer, Grade 115E, \$1,467.92 bi-weekly, in the Div. of Traffic Engineering, effective June 27, 2005, Daniel Dotterweich, Network Supervisor, Grade 117E, \$2,144.40 bi-weekly, in the Div. of Computer Services, effective June 13, 2005, Brian Dennis, Information officer, Grade 113E, \$1,563.60 biweekly, in the Div. of Government Communications, effective May 30, 2005, William Mabson, Public Service Worker, Grade 106N, \$11.324 hourly, in the Div. of Solid Waste, effective June 13, 2005, Larry Benson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 13, 2005, John Hanley, Maintenance Mechanic, Grade 113N, \$15.201 hourly, in the Div. of Sanitary Sewers, effective June 13, 2005, Lonnie O'Day, Public Service Worker Sr., Grade 107N, \$12.156 hourly, in the Div. of Streets, Roads and Forestry, effective June 13, 2005, Keith Gallman, Public Service Supervisor, Grade 111N, \$14.539 hourly, in the Div. of Building Maintenance & Construction, effective June 13, 2005, Traci Wade, Planner Sr., Grade 117E, \$1,706.72 biweekly, in the Div. of Planning, effective June 20, 2005, Justin Huber, Public Service Worker, Grade 106N, \$12.160 hourly, in the Div. of Parks, effective June 13, 2005, Mary

Lyle, Health Services Advisor, Grade 114E, \$1,602.24 bi-weekly, in the Div. of Human Resources, effective June 15, 2005, Nathan Benge, Code Enforcement Officer, Grade 113N, \$13.961 hourly, in the Div. of Building Inspection, effective June 13, 2005, Anthony Jackson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Thomas D'Andrea, Computer Analyst, Grade 115E, \$1,320.64 biweekly, in the Div. of Computer Services, effective May 30, 2005, Shannon White, Public Service Worker, Grade 106N, \$10.282 hourly, in the Div. of Parks, effective June 13, 2005, Wendell Simpson, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005, Alicia Joy Brooks, Laboratory Technician, Grade 109N, \$10.746 hourly, in the Div. of Sanitary Sewers, effective June 13, 2005; ratifying the permanent civil service appointments of: Lance Gorham, Security Officer, Grade 103N, in the Dept. of General Services, effective April 4, 2005, Robert Hatfield, Security Officer, Grade 103N, in the Dept. of General Services, effective May 29, 2005; approving the probationary sworn appointments of: Todd Samuelson, Fire Lieutenant, Grade 315N, \$14.246 hourly, in the Div. of Fire, effective April 13, 2005, Trevor Cox, Fire Captain, Grade 316N, \$14.637 hourly, in the Div. of Fire, effective April 13, 2005, Harold Faulconer, Police Sergeant, Grade 315N, \$21.675 hourly, in the Div. of Police, effective May 30, 2005, Michael Blanton, Police Captain, Grade 318E, \$2,888.24 bi-weekly, in the Div. of Police, effective May 30, 2005, Kenneth Armstrong, Police Lieutenant, Grade 317E, \$2,451.20 bi-weekly, in the Div. of Police, effective May 30, 2005; ratifying the permanent sworn appointments of: James C. Newton, Police Captain, Grade 318E, in the Div. of Fire, effective May 29, 2005, Christopher VanBrackel, Police Sergeant, Grade 315N, in the Div. of Police, effective May 29, 2005, Christopher Young, Police Sergeant, Grade 315N, in the Div. of Police, effective May 29, 2005, James Lombardi, Police Lieutenant, Grade 317E, in the Div. of Police, effective May 29, 2005, ratifying the unclassified civil service appointment of: Anamary Wehle, Administrative Specialist Sr., Grade 112N, \$15.00 hourly, in the Mayor's Office, effective May 23, 2005, Marisa Milanesio, Eligibility Counselor, Grade 110E, \$1,236.80 bi-weekly, in the Div. of Family Services, effective May 30, 2005, Ingrid Flowers, Social Worker Sr., Grade 113E, \$1,116.85 bi-weekly, in the Div. of Family Services, effective June 13, 2005.

A Resolution authorizing the Mayor to accept a Donation by Insight Communications, of labor to install fiber optic cable to three (3) government buildings, at no cost to the Urban County Government.

A Resolution establishing the National Incident Management System (NIMS) as the standard in Lexington-Fayette County for incident management during emergencies or disasters.

A Resolution changing the street name and property address numbers of 191 Jefferson Street to 502 West Second Street, of 3289 Eagle View Lane and 3293 Eagle View Lane to 3228 Summit Square Place and 3229 Summit Square Place, of 4113 Winchester Road to 4075 Royster Road, of 4335 Military Pike to 4218 Texas Lane, of 1845 Plaudit Place to 3000 Pink Pigeon Parkway, of 2580 Gribbin Drive to 150 Richmond Plaza, and of 900 Chilesburg Road to 930 Jouett Creek Drive; changing the property address numbers of 2600, 3000, 3413, 3600, 3726, and 3793 Military Pike to 2630, 3026, 3669, 3660, 3664, and 3726 Military Pike, of 3637 and 3770 Royster Road to 3667 Royster Road and 3776 Royster Road, of 428 Fairman Court to 423 Fairman Court, of 1593 Fairman Court to 419 Fairman Court, of 480 Fairman Road to 436 Fairman Road, of 509 Sundrop Path to 513 Sundrop Path, of 3326-3540 Carrick Road to 3326 Carrick Road, of 228-230 North Limestone to 230 North Limestone, of 3098A Bracktown Road to 3000 Bracktown Road, of 400, 401, 405, 412 413, 421, 425, 428, 429, 432, 433, 436, 437, and 440 Lanarkshire Place to 401, 400, 404, 411, 410, 418, 422, 423, 426, 427, 430, 431, 434, and 435 Lanarkshire Place; and changing the street name of 800, 801, 804, 805, and 808 Majestic Cove to 800, 801, 804, 805 and 808 Majestic View Cove; all effective thirty days from passage.

A Resolution authorizing the Mayor to execute Releases of Easement releasing a utility easement, a storm sewer easement and a sanitary sewer easement at 3555, 3615 and 3625 Nicholasville Road.

A Resolution authorizing the Mayor to execute a Deed of Easement with Columbia Gas of Ky., Inc., for an easement across the property located at 2738 Jessica Lane, for a gas pipeline for the sum of \$5,000.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from Robert B. Hand, for property located at 671 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$150.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from William A.

Wethington, for property located at 680 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$625.00, plus usual and appropriate closing costs.

A Resolution authorizing the Div. of Sanitary Sewers to purchase a replacement variable frequency drive from CED, Inc., for the existing drive configuration at Lower Cane Run Pump Station at a cost not to exceed \$30,300.00.

A Resolution authorizing the Mayor to execute a Special Event License Agreement with Central Ky. Region Sports Car Club of America, for use of the Government's truck training pad at the Old Frankfort Pike Landfill site, at a cost of \$500.00 per use.

A Resolution authorizing the Mayor to execute a Lease Agreement with Travis Fritz, for cultivation of landfill property on Haley Pike, at a rental rate of \$5,500.00.

A Resolution authorizing the Mayor to execute a Lease Agreement with A-1 Portable Buildings, Inc., for office trailers for the Recycling Center expansion/renovation, at a cost not to exceed \$7,065.00, subject to sufficient funds being appropriated in FY06.

A Resolution authorizing the Mayor to execute a Lease Agreement with WDKY, Inc., for leasing of multi-unit broadcast tower space for an initial term of five (5) years, at a cost not to exceed \$20,400.00 for the first year, with a five percent (5%) annual increase thereafter, and subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute an Agreement with Cash America, for electronic delivery of transaction information, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Ky. Utilities Co., for placement of facilities on Ky. Utility poles, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the Ky. Transportation Cabinet, for control sharing and maintenance of camera systems for traffic management, Homeland Security, and Amber Alerts and rescinding the previous such agreement approved by Resolution No. 58-2003.

A Resolution authorizing the Mayor to execute an Amendment to Expansion Area Development Exaction Agreement with Deer Haven Properties, LLC, for construction of Polo Club Blvd. to increase the permitted construction from approximately 2,000 linear feet to approximately 2,400 linear feet, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Customized Training Services Agreement with Central Baptist Hospital, for Admin Rx system training, at a cost not to exceed \$20,000.00.

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A Resolution approving the execution and delivery by the City of Versailles, Ky., of its City of Versailles, Ky. Educational Facilities Revenue Note (Providence Montessori School, Inc. Project), Series 2005 in an amount not to exceed \$1,200,000 (the "Note"), and the use of the proceeds thereof to assist Providence Montessori School, Inc. (the "School") to (I) construct, install and equip a building to contain, among other things, classrooms, an art room and an assembly room on the School's campus located at 1209 Texaco Road, Lexington, Ky. 40508 and reimburse the School for costs already incurred in connection therewith; (II) currently refund the School's existing Lexington-Fayette Urban County Government Six Month Adjustable Rate Industrial Building Revenue Bonds, Series 1992 (Providence Montessori School, Inc. Project) in the approximate outstanding amount of \$405,000; and (III) pay costs of issuance was on the docket for second reading with a public hearing to be held.

Upon motion of Ms. Gorton, seconded by Ms. Shafer and passed by unanimous vote, the resolution was removed from the docket until the August 18, 2005 Council Meeting.

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The following resolutions were given first reading. Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by majority vote (Ms. Gorton voted no). The resolutions were given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton ------ 13

Nay: ------ 0

A Resolution accepting the bid of Pierce Manufacturing, Inc., in the amount of \$445,292.00, for a fire truck (triple combination pumper) for the Div. of Fire.

A Resolution accepting the bid of Central Seal Co., establishing a price contract for raised pavement markers for the Div. of Traffic Engineering.

A Resolution accepting the bid of the 10th Planet, establishing a price contract for polo shirts for police civilians for the Div. of Police.

A Resolution accepting the bids of Bluegrass Fire Equipment Co., Bluegrass Uniform, Inc., Fire Pumps & Equipment, and 10-33 Equipment, Inc., establishing price contracts for Wildland Firefighting Equipment for the Div. of Fire.

A Resolution accepting the bid of Anchorpoint, in the amount of \$22,000.00, for call accounting software for the Dept. of General Services.

A Resolution accepting the bid of Kyova Electrical Services, Inc., in the amount of \$67,610.00, for Kenawood Park sports lighting for the Div. of Parks.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with the Ky. Environmental and Public Protection Cabinet, for extension of the 2004 Urban and Community Forestry Grant from June 30, 2005 to December 31, 2005, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with the Ky. Environmental and Public Protection Cabinet, for extension of the Firewise Community Grant Project from June 30, 2005 to September 30, 2005, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to renew contracts for FY 2006 with FM Global Insurance Co. for excess property insurance at a cost not to exceed \$227,200.00; Midwest Employers Casualty Insurance Co. for excess workers' compensation insurance at a cost not to exceed \$290,743.00; and ACE USA Insurance Co. for international package insurance at a cost not to exceed \$2,500.00 subject to a premium audit, and subject to sufficient funds being appropriated for the purposes.

A Resolution approving the probationary civil service appointments of: Jennifer L. Day, Administrative Specialist Sr., Grade 112N, \$14.886 hourly, in the Div. of Computer Services, effective June 13, 2005; William Smith, Public Service Worker, Grade 106N, \$12.249 hourly, in the Div. of Solid Waste, effective July 11, 2005; William Black, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective July 11, 2005; Harry Thornton, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective June 27, 2005; Dennis Taylor, Code Enforcement Officer, Grade 113N, \$15.710 hourly, in the Div. of Building Inspection, effective July 11, 2005; Yvonne Stone, Program Specialist, Grade 112E, \$1,338.32 bi-weekly, in the Div. of Engineering, effective June 13, 2005; Frank White, Body and Paint Mechanic Certified,

Grade 111N, \$19.240 hourly, in the Div. of Fleet Services, effective June 27, 2005; Maria Edwards, Communications Officer, Grade 111N, \$14.648 hourly, in the Div. of Police, effective June 27, 2005; Jennifer Wilson, Communications Officer, Grade 111N, \$12.669 hourly, in the Div. of Police, effective June 27, 2005; Connie Michalski, Communications Officer, Grade 111N, \$13.920 hourly, in the Div. of Police, effective June 27, 2005; Daniel Burns, Heavy Equipment Technician, Grade 113N, \$15.357 hourly, in the Div. of Fleet Services, effective June 27, 2005; David Shelton, Assistant Operations Supervisor Sr., Grade 114E, \$1,805.44 bi-weekly, in the Div. of Fleet Services, effective June 27, 2005; Aaron McDowell, Golf Pro Supervisor, Grade 117E, \$1,685.92 bi-weekly, in the Div. of Parks and Recreation, effective June 27, 2005; Tasha Stevens, Staff Assistant, Grade 107N, \$10.067 hourly, in the Div. of Streets, Roads and Forestry, effective July 11, 2005; Anthony Flinchum, Trades Worker Sr., Grade 109N, \$13.970 hourly, in the Div. of Parks, effective June 27, 2005; Robert Garr, Public Service Worker, Grade 106N, \$13.143 hourly, in the Div. of Solid Waste, effective July 11, 2005; Michael Smith, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective July 11, 2005; Richard Thomas, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective July 11, 2005; Michael Kirkland, Public Service Worker Sr., Grade 107N, \$11.461 hourly, in the Div. of Building Maintenance & Construction, effective July 11, 2005; approving leave of absence for: Joel R. Howard, Skilled Trades Worker Sr., Grade 112N, in the Div. of Building Maintenance and Construction, requests a leave of absence without pay from June 20, 2005 through August 5, 2005.

A Resolution authorizing the Mayor to accept a Proposal from Desman Associates, for parking garage structural analysis and restoration implementation services, at a cost not to exceed \$71,845.

A Resolution authorizing the Mayor to execute a Holdover Agreement with Kentucky League of Cities, for continued rental of the current space occupied on the 6th and 7th floors of the Phoenix Building by Kentucky League of Cities until December 31, 2005.

A Resolution authorizing the Mayor to execute an Agreement with W. B. Terry, Frances S. Terry, Diamondrock Griffin Gate Owner, LLC, and Newtown Springs, LLC, for construction of a collector street at Newtown Pike and Citation Boulevard, at a cost not to exceed \$22,425.00.

A Resolution authorizing the Mayor to execute a Release of Easement releasing a sanitary sewer easement and a storm sewer easement at 3301-3401 Nicholasville Road.

A Resolution authorizing the Mayor to execute a Release of Easement releasing a pump station access and utility easement at 2081-2085 Bryant Road.

A Resolution authorizing the Mayor to execute a three (3) year Agreement with AIDS Volunteers, Inc., for continuation of the Housing Opportunities for Persons with AIDS (HOPWA) Project, at a cost not to exceed \$1,388,462.00.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky Div. of Forestry and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$50,000.00 Federal funds, and are for the FY 2005 Firewise Community Grant Program.

A Resolution authorizing the Mayor to accept and execute a Deed of permanent sanitary sewer easement and temporary construction easement with Ky-American Water Co., for sewer service to the restroom facility at Shelter 2 at Jacobson Park.

A Resolution authorizing the Mayor to accept and execute a Deed of permanent sanitary sewer easement and temporary construction easement with Ky-American Water Co., for sewer service to the restroom facility at Shelter 3 at Jacobson Park.

A Resolution authorizing the Mayor to accept and execute a Deed of permanent sanitary sewer easement and temporary construction easement with Ky-American Water Co., for sewer service to the restroom facility at the boat dock at Jacobson Park.

A Resolution authorizing the Mayor to execute a Fifth Amended Waste Supply and Disposal Agreement with Republic Services, Inc., for waste disposal, at no cost to the Urban County Government.

Upon motion of Mr. Lane, seconded by Ms. Shafer and passed by unanimous vote, a Resolution accepting the bid of Task, Inc. in the amount of \$17,393.60, for Gleneagles/Masterson Station greenway restoration was placed on the docket and given first reading.

Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by majority vote (Ms. Gorton voted no). The resolution was given second

reading and passed by the following vote:

Aye:	Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton	13
Nay:		0

Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote, a Resolution authorizing and approving the Agreement As To Discipline between Allen Dobson and the Lexington-Fayette Urban County Government and authorizing and directing Anthany Beatty, Chief of the Div. of Police to execute said Agreement As To Discipline on behalf of the Lexington-Fayette Urban County Government, and providing that the May 10, 2005 disciplinary hearing shall not be continued was placed on the docket and given first reading.

Dr. Stevens stated that due to the effective date of the discipline, two readings were requested. Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye:	Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton	13
Nay:		0

Upon motion of Dr. Stevens, seconded by Ms. Shafer and passed by unanimous vote, a Resolution authorizing the Mayor to execute a Subordination Agreement with Beneficial Kentucky Inc. d/b/a Beneficial Mortgage Co. of Ky and Tommy and Sharon Midkiff, for subordination of a financial assistance program mortgage on property located at 135 Henton Road, at no cost to the Government was placed on the docket and given first reading.

Dr. Stevens stated that two readings of the resolution were needed.

Upon motion of Dr. Stevens and seconded by Ms. Shafer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye:	Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton	13
Nay:		0

Upon motion of Mr. DeCamp, seconded by Mr. Farmer and passed by unanimous vote, a Resolution authorizing the Mayor to execute a Purchase of Service

Agreement with Metro Group Homes, Inc. for the provision of emergency shelter services for juveniles and transitional housing services for young adults, at a cost not to exceed \$152,000.00, subject to sufficient funds being appropriated in FY 2006 was placed on the docket and given first reading.

Mr. DeCamp stated that due to the effective date of the agreement, that two readings were needed. Upon motion of Mr. DeCamp and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton ------ 13

Nay: ------ 0

Upon motion of Mr. DeCamp, seconded by Mr. Farmer and passed by unanimous vote, a Resolution authorizing the Mayor to execute an Agreement with Tenant Services and Housing Counseling, Inc. ("Tenant Services"), on behalf of the Adult Financial and Social Services Office, for the providing of housing counseling and homelessness prevention services by the Adult Financial and Social Services Office was placed on the docket and given first reading.

Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by majority vote (Ms. Gorton voted no). The resolution was given second reading and passed by the following vote:

Aye:	Lane, McChord, Moloney, Myers, Scanlon, Shafer, Stevens, Stinnett, Cegelka, DeCamp, Ellinger, Farmer, Gorton	13
Nay:		0

The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bids of Data Connect Enterprise, Native American Industries, Inc. (The Brothers Signal Co.), Traffic Control Products, Inc., Anixter, Inc., and Traffic Parks, Inc., establishing price contracts for traffic signal and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Spill Management Products, Inc., establishing a price contract for rain suits for the Div. of Solid Waste.

A Resolution accepting the bid of Machinex Technologies, Inc., in the amount of \$91,655.00, for a drum feeder for Recycling Center for the Div. of Solid Waste.

A Resolution authorizing the Div. of Sanitary Sewers to purchase replacement Belt Press Allen Bradley Operator Interface equipment and services from Phoenix Process Equipment Co. for the West Hickman Wastewater Treatment Plant at a cost not to exceed \$34,652.59.

A Resolution authorizing the Mayor to execute a Five Year Lease with Kathleen Campbell Moore, for property located at 758 Phillips Lane, for a warehouse and storage for the Div. of Building Maintenance and Construction and the Div. of Environmental & Emergency Management, at a cost not to exceed \$46,200.00 per year, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from Alma J. Bentley and Richard Eugene Bentley for property located at 666 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$325.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Agreement with Kentucky Alltel, Inc. (d.b.a./a.k.a. Alltel Communications, Inc.) for non-emergency 3-1-1 service for an initial term of three (3) years, at a cost not to exceed \$5,400.00 for the first year, and subject to sufficient funds being appropriated in future fiscal years.

* *

Upon motion of Ms. Shafer, seconded by Mr. Ellinger and passed by majority vote (Mr. Farmer voted no), the following communications from the Mayor were approved: (1) recommending the reappointment of Jane Graham to the Administrative Hearing Board with a term to expire 7-1-2009; (2) recommending the reappointment of Mary Kuklinski to the Explorium of Lexington (f/n/a Lexington Children's Museum) with a term to expire 6-30-2008. Also, recommending the appointments of DeLaine Bender, Natalee Feese, C. Bradford Harris, Christopher Keegan, Kyle Lake, Saba Tedla and Viki Young to the Explorium of Lexington (f/n/a Lexington Children's Museum) with terms to expire 6-30-2008 (3) recommending the appointment of Jerry Kuykendall to the Lexington History Museum with a term to expire 6-30-2008; (4) recommending the appointment of William H. Wilson to the Library Board of Advisors with a term to expire 1-9-2006. Mr. Wilson will fill the unexpired term of Burgess Carey.; (5) recommending the reappointment of Joseph H. Miller to the Library Board of Trustees with a term to expire 7-20-2009. Also, recommending the appointment of Burgess Carey to the

Library Board of Trustees with a term to expire 7-20-2009; (6) recommending the reappointments of Neill Day, Lynn Roche Phillips and Randall Vaughn to the Planning Commission with terms to expire 7-1-2009; and (7) recommending the appointment of Tim Brooks to the Tree Board with a term to expire 4-19-2007. Mr. Brooks will fill the unexpired term of Diana Moore.

* *

The following communications were received from the Mayor for information only: (1) Resignation of Leon Mack III, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 7, 2005; (2) Resignation of Michael Hunt, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 7, 2005; (3) Resignation of Aaron Simmerman, Police Trainee, Grade 311N, in the Div. of Police, effective June 7, 2005: (4) Resignation of Shelley Campbell, Staff to Council II, in the Council Office, effective June 10, 2005; (5) Resignation of Sonja Tanksley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 27, 2005; (6) Resignation of Billy Works, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective May 31, 2005; (7) Resignation of John T. Walker, Equipment Operator Sr., Grade 109N, in the Div. of Solid Waste, effective June 3, 2005; (8) Resignation of Jason Bizzack, Police Trainee, Grade 311N, in the Div. of Police, effective June 13, 2005; (9) Correction from June 9, 2005 Council Meeting: Resignation of Renee' Williams, Information Officer, Grade 113E, in the Div. of Government Communications, effective June 15, 2005; and (10) Termination of probationary appointment of James Cassell, Police Trainee, Grade 311N, in the Div. of Police, effective June 7, 2005.

The reports from the Div. of Sanitary Sewers for the months of April and May, 2005 were received and ordered filed.

Ms. Shafer announced that it was her parents' 60th wedding anniversary, as well as her mother's birthday.

* *

Mr. Lane thanked the Gleneagles Association for having him as their guest at their meeting last week, and stated that he would be meeting with the Pinnacle homeowners next week.

* *

Mr. Farmer spoke concerning the Council's plans to put money into the Rainy
Day Fund. It was agreed to discuss that further at Tuesday's Work Session.
* * *
Dr. Stevens stated that the agenda at next month's Budget and Finance
Committee meeting included consideration of an Ordinance to direct surplus funds into
the Economic Contingency Fund.
Also, he encouraged the public to attend the upcoming July 4 th Festival events.
* *
Mr. Farmer stated that there would not be a Planning Committee meeting on
Monday.
* * * * *
Ms. Gorton spoke about the July 4 th Festival events, and encouraged everyone
to attend.
* Mr. McChord reminded the Council Members that they were invited to a viewing
of the Ink and Blood Exhibit after tonight's Council Meeting.
* Mr. Stinnett thanked the Council Members, Commissioners and staff, for the
work done on the Budget.
* *
Mr. Scanlon thanked Mr. Jerry Southers, Acting Council Administrator, for his
work on the Budget.
* * *
Mr. Bernard McCarthy, 515 Harry St., spoke against the city borrowing funds for
routine street resurfacing and in favor of saving the Home Depot building on Richmond
Road.
* *
Mr. Robert Dalton, 520 Douglas Avenue, invited everyone to the Red, White and
You celebration activities, thanked the Council Members for their work on the budget,
and stated that the Masterson Station Advisory Board meeting would be held on July
6 th .
* * *
The Council adjourned at 8:21 p.m.
Clerk of the Urban County Council